

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of

Implementation of the Commercial
Advertisement Loudness Mitigation
(CALM) Act

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MB Docket No. 11-93

Directed to: Office of the Secretary
Attention: Chief, Media Bureau

STREAMLINED FINANCIAL HARDSHIP WAIVER CERTIFICATION

1. By this pleading and the attached certificate, KMYA, LLC (“Licensee”), licensee of Station KMYA-DT, Facility ID 86534, Camden, AR, hereby certifies that KMYA-DT requires a one-year delay to achieve compliance with the requirements of the Commercial Advertisement Loudness Mitigation Act (the “CALM Act”) and requests a waiver of the December 13, 2012 deadline for compliance.

2. Pursuant to the streamlined waiver process set forth in the Commission’s December 13, 2011 *Report and Order* in this proceeding, Licensee requests waiver for KMYA-DT as a “small broadcast station.”¹ Under the procedures adopted in the *Order*, station seeking a waiver on this basis must certify to the Commission that it qualifies as a “small broadcast station” and that it requires a delay of one year to obtain specified equipment to avoid financial hardship.²

¹ *Order* at 17253-54.

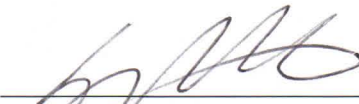
² *Id.*

3. As set forth in the attached Certification of of a Managing Member, Licensee certifies that KMYA-DT satisfies the definition of "small broadcast station" by virtue of having less than \$14 million in gross annual receipts. The certification recites that to avoid financial hardship, the Licensee requires a one-year delay to obtain certain the equipment necessary for KMYA-DT to comply with the Commission's CALM Act requirements.

4. Accordingly, KMYA, LLC respectfully requests a one-year waiver for KMYA-DT to comply with the CALM Act.

Respectfully submitted:

By: _____


Greg Fess
Managing Member

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October 15, 2012

CERTIFICATION OF GREG FESS

I, Greg Fess, hereby certifies as follows:

1. I am a Managing member of KMYA, LLC.
2. KMYA, LLC is the licensee of Station KMYA-DT, Camden, AR (Facility ID 86534).
3. During the portion of calendar year 2011, during which KMYA, LLC became the licensee of KMYA-DT, the station had less than \$14 million in annual gross receipts, based on annualization of the gross receipts received during the partial year. It is anticipated that KMYA-DT will also have less than \$14 million in annual gross receipts for 2012.
4. To achieve compliance with the Commission's CALM Act requirements, I estimate costs in the range of \$20-25,000, for encoding and monitoring equipment and software the enable KMYA-DT to be able both to ensure that the audio level of commercials is not excessive and to check compliance when as it may be required.
5. To avoid a financial burden that we cannot afford to meet at this time, KMYA, LLC requests a one-year waiver of the Commission's CALM Act requirements for KMYA-DT.


Name: Greg Fess

October 15, 2012